

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, August 11, 2015  
7:00 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himmelberger, Town Planner/Assistant Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Father Michael J. Greer gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

None.

**6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Angelina Aldahwi, resident and owner of the commercial laundry in Town, stated her opposition to the proposed increase in sewer rates, which she asserted have increased significantly for Town businesses in recent years. Ms. Aldahwi also expressed concern with parking issues on Bougainvillea Drive, which contribute to safety hazards for drivers and pedestrians as well as property damage.

Rose Giglio advised that the vendor Plantation Farmer's Market Co-Op, LLC has refused to allow her bakery to participate in several farmer's market events. She requested the opportunity to sell her products at the LBTS market.

Ann Marchetti, spoke in favor of the farmer's market and praised the Town for supporting this cooperative.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO July 2015 Report (Captain Fred Wood)**

Commissioner Brown noted that a resident had expressed concern regarding dogs on the beach. Captain Fred Wood replied that individuals who violate this Ordinance are given a verbal warning. It was clarified that all beach portals have posted the Ordinance addressing this issue. It was confirmed that members of the Volunteer Fire Department also advise individuals of the Ordinance.

Captain Wood added that the Town's license plate reader (LPR) cameras led to the recovery of a stolen vehicle and firearm the previous week.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

### **b. VFD July 2015 Report (Chief Judson Hopping)**

Chief Judson Hopping praised volunteer firefighters Nick Pieschel and Mark Kane, who rescued two paddle boarders who had drifted out to sea. He acknowledged their contribution to both the Volunteer Fire Department and the Town. All present recognized their service with a round of applause.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

### **c. AMR July 2015 Report (Chief Brooke Liddle)**

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

## **8. TOWN MANAGER REPORT**

### **a. Chamber of Commerce Welcome Center July 2015 Report (Tedra Smith, Town Clerk)**

The Commissioners accepted the report without discussion.

**b. Town Manager Report (Connie Hoffmann, Town Manager)**

Town Manager Connie Hoffmann recognized Public Information Officer Steve d'Oliveira for his management of Bugfest-By-The-Sea events and the hours of assistance given by the volunteer Bugfest Committee. Mayor Sasser observed that Bugfest is a signature event for the Town and continues to grow in popularity each year.

Town Manager Hoffmann continued that the plans for a public restroom on El Mar Drive show a single lane of traffic moving south to continue the wider sidewalks, tapering off past the facility. This would enable the Town to maintain two parallel parking spaces on EL Mar Drive at the site and continue the look from the downtown project. The Commissioners agreed with this plan by unanimous consensus. The Commissioners also agreed by consensus to use monies from the Parking Fund rather than the El Mar Drive reserve fund for improvements associated with this project.

Mayor Sasser addressed the issue of sewer rates, asking if Town Staff has researched why these rates might have increased dramatically for certain businesses. Finance Director Tony Bryan pointed out that even with the proposed 3% increase, the Town's sewer rates would remain lower than in previous years; however, Fort Lauderdale water rates increase by 5% annually. He stated that he would meet with representatives of the businesses to review its water bills.

Mayor Sasser also returned to the issue of parking on Bougainvillea Drive, recalled that the Town had suggested to the owners of the subject lot that the Town would only consider removing parking spaces if the owners first made changes, such as widening the entrance/exit to accommodate large trucks, and time was allowed to assess the impact of the changes to the lot configuration. The Assistant Town Manager confirmed that and stated that the owners had removed some trees that were in poor shape, but had never modified the exit/entryway. Vice Mayor Vincent recommended that the Town revisit this issue and take steps to correct it. Commissioner Dodd pointed out, however, that would result in the loss of much-needed parking spaces along Bougainvillea, and he felt that the entrance/exit should first be modified by the owner.

**9. TOWN ATTORNEY REPORT**

Town Attorney Susan Trevarthen reported that the Broward County Board of County Commissioners is scheduled to debate the County's policy regarding Uber at tonight's Broward County Commission meeting.

**10. APPROVAL OF MINUTES**

- a. July 28, 2015 Town Commission Special Meeting Minutes (Tedra Smith, Town Clerk)**

**b. July 28, 2015 Town Commission Regular Meeting Minutes (Tedra Smith, Town Clerk)**

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

**11. CONSENT AGENDA**

Mayor Sasser pulled Items 11c and 11i for additional discussion.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve [Items] a, b, d, e, f, g, h, and j. Motion carried 5-0.**

- a. Authorization to Waive Outdoor Dining Fees for FY 16 for restaurants affected by the Commercial Boulevard Mid-Block Project (Connie Hoffmann, Town Manager)**
- b. Authorization to allow Temporary Banners during Construction for businesses affected by the Commercial Boulevard Mid-Block Project (Connie Hoffmann, Town Manager)**
- c. Lauderdale-By-The-Sea Garden Club Request for Parking for Jarvis Hall Events (Tedra Smith, Town Clerk)**

Mayor Sasser noted that the District meeting of the Garden Club is not a regularly occurring event, and requested that Town Staff work with the organization to provide parking for guests at this meeting.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

- d. Lauderdale-By-The-Sea Women's Club Request for Parking (Tedra Smith, Town Clerk)**
- e. Revised FY 16 Position Count Table (Connie Hoffmann, Town Manager)**
- f. Contract for Auditing & Financial Services (Tony Bryan, Finance Director)**
- g. Approval to Provide Parking at the A1A Parking Lot for the Pier Clean-up (Bud Bentley, Assistant Town Manager)**



- h. Second Amendment to License Agreement with Plantation Farmer's Market Co-Op, LLC DBA Community Farmer's Markets of South Florida (Pat Himelberger, Assistant to the Town Manager)**
- i. Special Event Application for a Public Menorah Lighting Ceremony proposed for Sunday, December 13, 2015 (Bud Bentley, Assistant Town Manager)**

Mayor Sasser requested clarification of the fees to be waived for this and similar holiday events in order to ensure consistency. Asst. Town Manager Bentley agreed to review which fees were waived for similar events in the past. Commissioner Sokolow proposed making the menorah lighting a Town-sponsored event in the future, in the same manner as Christmas-By-The-Sea, which would allow for a waiver of the \$100 application fee. The Town Attorney advised because of the religious nature of the event, it should not be a Town-sponsored event.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to accept the application and waive the \$100 fee. Motion carried 5-0.**

- j. Amendment to the GMP with SCEC for their Commercial Boulevard Mid-Blocks Streetscape Project (Connie Hoffmann, Town Manager)**

## **12. OLD BUSINESS**

- a. Request for Funding from the Broward Regional Health Planning Council (Tony Bryan, Finance Director)**

Finance Director Bryan recalled that in the past, funds requested from the Town by Family Central were used to match Federal block grant funds for child care services. This grant has now been awarded to the Broward Regional Health Planning Council, which has requested a donation of \$551, the same amount that was previously provided to Family Central.

Staff recommends approval of the latter request, as well as reconsideration of the prior funding award to Family Central in the amount of \$1,000. Town Manager Hoffmann advised that the Town has notified Family Central of this issue, although the organization has not yet responded nor did they attend tonight's meeting. A more careful reading of their application indicated they were going to use the \$1,000 requested for a literary event.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to support Staff's recommendation to donate \$551 to the Broward Regional Health Planning Council in FY16 and rescind the award of \$1000 originally approved for Family Central. Motion carried 5-0.**

### **13. NEW BUSINESS**

#### **a. Acquisition of Real Estate at 4312 North Ocean Drive (Bud Bentley, Assistant Town Manager)**

Asst. Town Manager Bentley explained that the owner of this property is considering offers for the sale of the site, which is currently in use as a temporary parking lot. Staff has acquired two appraisals of the property as required by the Code before negotiations can commence. He noted that the Commission must authorize Staff to enter into negotiations for the subject property. He emphasized that Staff is not requesting authorization to purchase the property at this time.

Commissioner Brown suggested that if negotiations do not appear to lead to the purchase of the property, Staff should attempt to negotiate a price for the continued lease of the property from its owner. Vice Mayor Vincent noted that the Town may not be able to extend the current lease agreement for more than six months. Commissioner Dodd commented that Staff should consider the return on the Town's investment generated by parking revenue at the site if it is purchased.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to authorize Staff to begin negotiations. Motion carried 5-0.**

### **14. COMMISSIONER COMMENTS**

Commissioner Dodd thanked Commissioner Brown for organizing the recent Public Information Meeting between BSO Staff and turtle volunteers.

Mayor Sasser thanked Staff for their efforts on making Bugfest-By-The-Sea a successful event.

Commissioner Brown reported that representatives of all major policy-making organizations associated with turtle welfare attended the previous week's meeting, including members of the Florida Fish and Wildlife Commission, the Department of Environmental Protection, the State, the County, and various coastal Police Departments, among others. The meeting was intended to ensure that all volunteers are properly trained in the appropriate procedures if they feel threatened. Flyers are being distributed to local hotels and motels to inform tourists about policies relating to turtles, and training manuals for turtle volunteers are being updated.

### **15. ORDINANCES – PUBLIC COMMENTS**

#### **Ordinances 1<sup>st</sup> Reading**

##### **i. Ordinance 2015-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER**

**13, NOISE, SECTION 13-3, PROHIBITED ACTS, TO DELETE DUPLICATIVE GENERATOR REQUIREMENTS; AMENDING ARTICLE V, "ZONING," OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, DEFINITIONS, TO ADD DEFINITIONS RELATED TO GENERATORS AND CLARIFY DWELLING DEFINITIONS AND BY AMENDING SECTION 30-313, GENERAL PROVISIONS, TO REVISE GENERAL REQUIREMENTS FOR EL MAR WALKS, DRIVEWAYS, SWALES, LIGHTING, ACCESSORY BUILDINGS, AND GENERATORS AND RELATED FUEL STORAGE TANKS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE (Linda Connors, Town Planner / Assistant Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd requested that after tonight's first reading, the Ordinance be referred to the Planning and Zoning Board for additional consideration regarding use of pervious materials. Town Planner/Assistant Development Services Director Linda Connors explained that when Staff began writing the proposed changes to generator requirements, they reviewed all of Section 30, as well as other Sections of Code that deal with generators. She confirmed that the proposed Ordinance will be reviewed a second time by the Planning and Zoning Board, including the section on use of pervious materials, before its second reading.

With regard to restrictions on generators, Town Planner/Assistant Development Services Director Connors continued that while generators may be allowed by zoning Code, this may be superseded by Florida Building Code. In addition, if generators are not allowed within side setbacks, homeowners may be able to place them in rear setbacks or other locations.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

- ii. Ordinance 2015-11 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, "UTILITIES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19, "RATES AND CHARGES," TO ADOPT REVISIONS TO THE SCHEDULE OF RATES AND CHARGES FOR SANITARY SEWAGE COLLECTION, TRANSMISSION AND DISPOSAL SERVICE; AND PROVIDING FOR SEVERABILITY,**

**CONFLICTS, AND AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Mayor Sasser stated his continuing opposition to an increase in these rates.

**Commissioner Brown made a motion, seconded by Commissioner Dodd, to approve. Motion carried 3-2 (Mayor Sasser and Vice Mayor Vincent dissenting).**

**Ordinances 2<sup>nd</sup> Reading**

- i. **Ordinance 2015-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,” TO UPDATE SIDEWALK CAFÉ REQUIREMENTS FOR OBSTRUCTIONS OF PUBLIC PROPERTY, SIDEWALK CAFÉS, AND SPECIAL EVENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Bud Bentley, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

- ii. **Ordinance 2015-07 – AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING MARCH 15, 2016 FOR THE TOWN’S 2016 GENERAL MUNICIPAL ELECTIONS DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2016 GENERAL MUNICIPAL ELECTIONS TO OCCUR FROM NOON ON MONDAY, JANUARY 4, 2016 THROUGH NOON ON MONDAY, JANUARY 11, 2016, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE; PROVIDING FOR**

**CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE  
(Tedra Smith, Town Clerk)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

**16. RESOLUTIONS – PUBLIC COMMENTS**

- a. **Resolution 2015-29: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND CONFIRMING THE EVALUATION AND APPRAISAL NOTIFICATION LETTER PREPARED PURSUANT TO SECTION 163.3191, FLORIDA STATUTES (2011), FOR THE TOWN COMPREHENSIVE PLAN; AND DIRECTING THE TOWN MANAGER OR DESIGNEE TO SUBMIT THE EVALUATION AND APPRAISAL LETTER TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Linda Connors, Town Planner / Assistant Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Town Planner Connors/Assistant Development Services Director confirmed that no changes to the Comprehensive Plan are necessary in order to meet Florida Statutes.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

- b. **Resolution 2015-30: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING PARKING PERMIT FEES EFFECTIVE OCTOBER 2015, OCTOBER 2016, OCTOBER 2017, AND OCTOBER 2018; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (Bud Bentley, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd advised that he was in favor of simplifying permit fee increases by rounding up their amounts in some instances. He cited the example of the residential

and senior citizen increases, which could be raised by \$5 even. Mayor Sasser stated he was not in favor of increases in senior citizens' parking permit fees, and expressed concern with the proposition of turning residential parking spaces into metered spaces.

Asst. Town Manager Bentley explained that the rationale behind eliminating some residential parking spaces is their underuse. He suggested that some spaces on Washington Street and the El Prado lot could be retained for residential use on Saturdays and Sundays and become metered spaces through the rest of the week. Commissioner Sokolow stated that he would be in favor of this compromise, and agreed with Mayor Sasser that senior parking permit fees should not be increased.

Commissioner Brown spoke in favor of retaining some spaces exclusively for residents, and recommended incremental increases in parking permit fees. Vice Mayor Vincent agreed with Mayor Sasser and Commissioner Sokolow that senior citizens' permit fees should not be increased. He was not in favor of a compromise to maintain residential parking on weekends as he thought it would be confusing.

Town Manager Hoffmann advised that Staff could withdraw the proposed elimination of the dedicated resident spaces at the two beachfront parks until data could be tracked more conclusively to determine how underused they really are. Mayor Sasser pointed out that the Town's parking revenue is already significant, so it is not a matter of revenue, and asserted that the Town should maintain benefits such as designated parking space for its residents. But he did want to see the utilization data as he believed that was germane to the decision. He clarified that he was not opposed to the increases in permit fees, with the exception of the proposed increase for senior citizens.

**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve the Resolution, excluding the increase for seniors and retaining existing residential spaces, with Staff to monitor the use of residential spaces for the next year. Motion carried 5-0.**

- c. Resolution 2015-31: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, OPPOSING THE ISSUANCE OF PERMITS FOR OIL OR NATURAL GAS DRILLING RIGHTS ON PROPERTY LOCATED IN THE FLORIDA EVERGLADES, AND SUPPORTING EFFORTS OPPOSING ACTIONS THAT MAY DAMAGE THE SOUTH FLORIDA WATER SUPPLY; PROVIDING FOR AN EFFECTIVE DATE (Connie Hoffmann, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.



Town Attorney Trevarthen noted that a recent opinion issued by Broward County specifies that some areas of the County may not allow drilling due to their Land Use Plan designation.

Commissioner Sokolow and Mayor Sasser expressed concern with some of the Resolution's language, which they felt was inappropriate. Commissioner Brown characterized the Resolution as an act of conscience related to the protection of the water supply. Vice Mayor Vincent and Commissioner Dodd noted that the County's action may supersede any action contemplated by the Resolution.

**Commissioner Brown made a motion to approve.** [The motion died for lack of second.]

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to table the Resolution. Motion carried 4-1 (Commissioner Brown dissenting).**

**d. Resolution 2015-32: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PAY PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Connie Hoffmann, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd observed that Town Manager Hoffmann had excluded her position from the salary survey analysis and the revised pay plan. He proposed that she be awarded an increase equivalent in scale to the one the revised pay plan would provide to the Assistant Town Manager.

Town Attorney Trevarthen clarified that the Town Manager's compensation is governed by an individual contract, which includes a pay-for-performance clause, and is not part of the revised pay plan. Mayor Sasser recommended acting only on the revised pay plan as presented and revisiting the Town Manager's compensation at a later time.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt the revised pay scale. Motion carried 5-0.**

## **17. QUASI JUDICIAL PUBLIC HEARINGS**

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on this item. Any individuals wishing to speak were sworn in at this time.

**a. REQUEST FOR AN ADMINISTRATIVE ADJUSTMENT TO THE FRONT AND REAR SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 4424 EL MAR DRIVE (HIGH NOON) IN THE RM-25 ZONING DISTRICT (Linda Connors, Town Planner / Assistant Development Services Director)**

Town Planner Connors showed a rendering of the proposed renovation of the subject property, which she characterized as a potential asset to the community. The building was constructed in the 1950s and met the setback requirements of the time. Adding the proposed towers to the property will increase its height and therefore also increase its setback requirement. As a result, the building will encroach minimally into the setback as defined by the RM-25 Zoning Code.

In addition, an awning that is proposed to shade individuals coming in from the parking lot will also encroach slightly into the setback.

Both encroachments are considered minor and require an administrative adjustment by the Town Commission to proceed.

Town Planner Connors noted that Code allows for administrative adjustments when Midcentury Modern architecture is being used, as is the case with the subject property. The Board of Adjustment and Town Staff have found that the Application meets the requirements for this type of adjustment, which are listed in the Commissioners' backup materials. Staff recommends approval of the administrative adjustments to allow the renovation of the High Noon property.


Paul Novak, Applicant, stated that he hoped to distinguish the property by adding new features, such as the proposed towers. He noted that these encroach only minimally into the side setbacks.

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

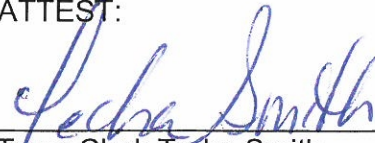
**18.ADJOURNMENT**

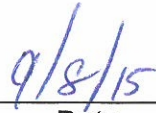
With no further business to come before the Commission at this time, the meeting was adjourned at 8:49 p.m.

  
\_\_\_\_\_  
Mayor Scot Sasser

Lauderdale-By-The-Sea  
Regular Town Commission Meeting  
August 11, 2015

ATTEST:

  
\_\_\_\_\_  
Town Clerk Tedra Smith

  
\_\_\_\_\_  
Date